

Vacant, 1st District
Suja Lowenthal, 2nd District
Gary DeLong, 3rd District
Patrick O'Donnell, 4th District



Gerrie Schipske, 5th District
Dee Andrews, 6th District
Tonia Reyes Uranga, 7th District
Rae Gabelich, 8th District
Val Lerch, Vice Mayor, 9th District

Patrick H. West, City Manager
Larry G. Herrera, City Clerk

Bob Foster, Mayor

Robert E. Shannon, City Attorney

FINISHED AGENDA & MINUTES

The City Council minutes are prepared and ordered to correspond to the City Council Agenda. Agenda items can be taken out of order during the meeting. Please consult the time stamps to determine the order in which business was addressed.

Agenda Items for this meeting were considered in the order presented, with the exception of Agenda Item No. 23, which was considered immediately following Agenda Item No. 2 and prior to Public Comment.

ROLL CALL (5:05 PM)

Councilmembers S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and
Present: Lerch

Councilmembers Schipske and Gabelich
Absent:

Also present: Patrick H. West, City Manager; Suzanne Frick, Assistant City Manager; Heather Mahood, Chief Assistant City Attorney; Mike Mais, Assistant City Attorney; Laura L. Doud, City Auditor; Larry Herrera, City Clerk; Nancy Muth, City Clerk Analyst.

Vice Mayor Lerch presiding.

Vice Mayor Lerch announced that Agenda Item Nos. 14 and 15 were withdrawn and continued to the meeting of March 3, 2009.

Invocation: Moment of Silence.

Flag Salute: Tonia Reyes Uranga, Seventh District.

Mayor Foster assumed the chair.

Certificate of Recognition for 80th Anniversary of Long Beach Playhouse.

Councilmember O'Donnell spoke.

CONTINUED HEARING (5:13 PM)

[see media](#)

22. [09-0130](#)

Recommendation to receive supporting documentation, conclude the public hearing, and declare ordinance amending Chapter 2.63 of the Long Beach Municipal Code as it relates to the Cultural Heritage Commission read the first time and laid over to the next regular meeting of the City Council for final reading; and

Councilmember Reyes Uranga spoke.

Carol McCafferty spoke.

Bree Myon spoke.

John Thomas, President of Long Beach Heritage, spoke.

Larry Goodhue spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilmember Reyes Uranga, to declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:

Yes: 6 - S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

Absent: 2 - Schipske and Gabelich

[see media](#)

[09-0131](#)

Adopt resolution authorizing Director of Development Services to submit amendments to the Cultural Heritage Commission ordinance to the State Office of Historic Preservation for its review and approval as an implementing ordinance of the Certified Local Government (CLG) program. (Citywide)

A motion was made by Councilmember Reyes Uranga, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-09-0011. The motion carried by the following vote:

Yes: 6 - S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

Absent: 2 - Schipske and Gabelich

Enactment No: RES-09-0011

HEARINGS (5:34 PM)

[see media](#)

1. [09-0161](#) Recommendation to receive supporting documentation into the record, conclude the hearing and approve one of the following actions: 1) grant the Permit, with or without conditions; or 2) grant a One-Year Short-Term Permit, with or without conditions; or 3) deny the Permit on the application of Springbok Bar & Grill Long Beach, Inc., dba Springbok Bar & Grill, 423 Shoreline Village Drive #A, for Entertainment Without Dancing by Patrons at an existing restaurant. (District 2)

A motion was made by Councilmember S. Lowenthal, seconded by Councilmember DeLong, to approve recommendation and grant the Permit with standard conditions. The motion carried by the following vote:

Yes: 6 - S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

Absent: 2 - Schipske and Gabelich

[see media](#)

2. [09-0162](#) Recommendation to receive supporting documentation into the record, conclude the hearing and approve one of the following actions: 1) grant the Permit, with or without conditions; or 2) grant a One-Year Short-Term Permit, with or without conditions; or 3) deny the Permit on the application of Hak Heang Restaurant, Inc., dba Hak Heang Restaurant, 2041 E. Anaheim Street, for Entertainment With Dancing by Patrons at an existing restaurant. (District 4)

Councilman Andrews spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve recommendation and grant the Permit with conditions. The motion carried by the following vote:

Yes: 6 - S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

Absent: 2 - Schipske and Gabelich

PUBLIC COMMENT (6:08 PM)

Reyna Akers spoke regarding toxic dust and the wetland land swap.

[09-0193](#) Larry Goodhue spoke regarding the wetlands land swap and submitted written comments.

This Handout was received and filed.

CONSENT CALENDAR (6:16 PM)

Passed The Consent Calendar

A motion was made by Councilman Andrews, seconded by Councilmember Reyes Uranga, to approve Consent Calendar Items 3-13, except for Item 10. The motion carried by the following vote:

Yes: 5 - DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

Absent: 3 - S. Lowenthal, Schipske and Gabelich

3. [09-0173](#) Recommendation to authorize City Attorney to submit Stipulations with Requests for Awards for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$93,667.50 for the claim of Mark Saxlund; and \$61,996.25 for the claim of Joseph Vancoutren, in compliance with the Appeals Board Orders.
A motion was made to approve recommendation on the Consent Calendar.
4. [09-0174](#) Recommendation to approve the City Council and Budget Meeting minutes for the meetings held Tuesday, February 3, 2009.
A motion was made to approve recommendation on the Consent Calendar.
5. [09-0175](#) Recommendation to refer to City Attorney damage claims received between February 2, 2009 and February 9, 2009.
A motion was made to approve recommendation on the Consent Calendar.
6. [09-0177](#) Recommendation to approve the destruction of records for the City Council Second District as shown in Exhibit A; and adopt resolution.
A motion was made to approve recommendation and adopt Resolution No. RES-09-0012 on the Consent Calendar.
Enactment No: RES-09-0012
7. [09-0163](#) Recommendation to approve the Neighborhood Partners Program funding recommendations to support nine neighborhood beautification and improvement projects in the amount of \$34,738. (Districts 1,4,6,7,9)
A motion was made to approve recommendation on the Consent Calendar.
8. [09-0164](#) Recommendation to authorize City Manager to execute the First Amendment to Lease No. 28285 with Heritage Yacht Sales, Inc., to amend the term and provisions of the Lease allowing for the construction of a new reconfigured dock, gangway, and utilities in Basin No. 1, located in Alamitos Bay Marina; and add Yacht Haven Marina, Inc., a California corporation, as a lease holder along with Heritage Yacht Sales, Inc. (District 3)

A motion was made to approve recommendation on the Consent Calendar.

9. [09-0165](#) Recommendation to receive and file the application of Hyun Jin Kim and Myung Hee Kim, dba Amigos Market, for a person-to-person transfer of an Alcoholic Beverage Control License, at 1100 East 10th Street, with existing conditions. (District 1)

A motion was made to approve recommendation on the Consent Calendar.

[see media](#)

10. [09-0166](#) Recommendation to receive and file the application of LJB Bishop Enterprises Incorporated, dba Sachi Bar, for a person-to-person transfer of an Alcoholic Beverage Control License, at 6400 East Pacific Coast Highway, with existing conditions. (District 3)

A motion was made by Councilmember DeLong, seconded by Councilmember Reyes Uranga, to approve recommendation, with the condition that alcohol will not be served until 10:00 a.m. The motion carried by the following vote:

Yes: 5 - DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

Absent: 3 - S. Lowenthal, Schipske and Gabelich

11. [09-0167](#) Recommendation to authorize City Manager to execute an agreement with County of Orange (County) to use a license area at the County's Santiago Peak Communications Facility (Santiago Peak) for public safety dispatching at an estimated annual cost of \$2,360 for year one with an annual increase thereafter of 3.3 percent. The term of the proposed lease is one year and shall automatically be renewed for up to ten consecutive periods of one year, each subject to approval of the City Manager. (Citywide)

A motion was made to approve recommendation on the Consent Calendar.

12. [09-0168](#) Recommendation to authorize City Manager to execute lease agreements with Long Beach City College, Long Beach Transit, Long Beach Unified School District, St. Mary Medical Center, Southern California Gas Company, City of Cerritos, and City of Signal Hill, to use space at the City's radio transmitter facilities. The term of the proposed leases is five years, and shall be renewed for an additional five years, subject to the approval of the City Manager. (Citywide)

A motion was made to approve recommendation on the Consent Calendar.

13. [09-0176](#) Recommendation to receive and file minutes of:

Civil Service Commission - January 28, 2009.
Planning Commission - September 18 and December 4, 2008.

A motion was made to approve recommendation on the Consent Calendar.

REGULAR AGENDA (6:19 PM)

14. [08-1203](#) Recommendation to City Council to concur in recommendation of the Personnel and Civil Service Committee to receive and review the communication regarding California Public Employees' Retirement System (CalPERS) financial status and the impact on the City of Long Beach.

This Agenda Item was withdrawn.

15. [09-0103](#) Recommendation to City Council to concur in recommendation of the Transportation and Infrastructure Committee to support option two of the proposals made by the Department of Public Works and forward the presentation to the City Council for its consideration to review Long Beach Municipal Code Chapter 10.40 regarding the definition and prohibition of commercial vehicles on residential streets.

This Agenda Item was withdrawn.

[see media](#)

16. [09-0178](#) Recommendation to receive and file report on the actions taken at the Metropolitan Water District Board meetings held on January 13 and February 10, 2009.

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:

Yes: 5 - DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

Absent: 3 - S. Lowenthal, Schipske and Gabelich

[see media](#)

17. [09-0169](#) Recommendation to authorize City Manager to execute any and all documents necessary for the First Amendment to Supplemental Agreement No. 21667 with SMG, formerly known as Spectacor Management Group, and to the Convention and Visitors Bureau for the completion of certain capital improvement projects at the Long Beach Convention and Entertainment Center (Center) located at 300 East Ocean Boulevard. (District 2)

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:

Yes: 5 - DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

Absent: 3 - S. Lowenthal, Schipske and Gabelich

[see media](#)

18. [09-0170](#)

Recommendation to adopt Plans and Specifications No. G-260 for gas main and service line replacement; and authorize City Manager to execute a contract with ARB, Inc., in an estimated amount of \$2,913,385 plus a 10 percent contingency if necessary. (Citywide)

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation. The motion carried by the following vote:

Yes: 5 - DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

Absent: 3 - S. Lowenthal, Schipske and Gabelich

[see media](#)

19. [09-0171](#)

Recommendation to authorize City Manager to amend the Agreement with Community Hospital of Long Beach for emergency room services for jail inmates to include hospitalization of jail inmates for an amount not to exceed \$110,000 annually, with an option to renew the Agreement at the discretion of the City Manager for two additional one-year periods at a cost not to exceed \$110,000 annually. (Citywide)

A motion was made by Councilmember DeLong, seconded by Councilman Andrews, to approve recommendation. The motion carried by the following vote:

Yes: 6 - S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

Absent: 2 - Schipske and Gabelich

[see media](#)

20. [09-0172](#)

Recommendation to find that excavations are immediately required for the general health, safety, and welfare of the City and cannot be delayed; that alternatives to excavating, such as alternative routing, or construction methods, such as boring or excavation of the parkway, are not possible; and approve a discretionary permit to excavate areas in certain City streets, which have been reconstructed within the previous 60 months, in accordance with Section 14.08.060 of the Long Beach Municipal Code. (Districts 7,9)

Vice Mayor Lerch spoke.

Councilmember Reyes Uranga spoke.

A motion was made by Councilmember O'Donnell, seconded by Councilman Andrews, to approve recommendation, with the additional condition that all work be completed to the satisfaction of the City Engineer. The motion carried by the following vote:

Yes: 6 - S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

Absent: 2 - Schipske and Gabelich

ORDINANCE

21. [09-0130](#) WITHDRAWN
~~Recommendation to declare ordinance amending the Long Beach Municipal Code Chapter 2.63 relating to the Cultural Heritage Commission, read and adopted as read. (Citywide)~~

This Ordinance was withdrawn.

NEW BUSINESS (6:24 PM)

22. Agenda Item No. 22 is listed under Continued Hearing (page 1).

[see media](#)

23. [09-0187](#) Recommendation to direct City Manager to initiate action steps to address the continued flooding of the West Long Beach Arlington area neighborhood and to report back to City Council within 30 days.

Councilmember Reyes Uranga spoke.

Mayor Foster spoke.

Mike Conway, Director of Public Works, provided a slide presentation.

Mayor Foster spoke.

Mike Conway, Director of Public Works, spoke.

Councilmember Reyes Uranga spoke.

Mike Conway, Director of Public Works, spoke.

Councilmember Reyes Uranga spoke.

Elisa Erickson spoke.

Mayor Foster spoke.

David Viegos spoke.

Migel Moreno spoke.

Councilmember Reyes Uranga spoke.

A motion was made by Councilmember Reyes Uranga, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:

Yes: 6 - S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

Absent: 2 - Schipske and Gabelich

[see media](#)

24. [09-0077](#)

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 8.68.020.R, Section 8.68.060, and Subsection 8.68.110.A; and by adding Subsection 8.68.020.S, and Section 8.68.210, all relating to smoking in public places, read and adopted as read. (Citywide)

Belinda Cotton spoke.

Claudette Powers spoke.

Councilmember S. Lowenthal spoke.

A motion was made by Vice Mayor Lerch, seconded by Councilman Andrews, to approve recommendation and adopt Ordinance No. ORD-09-0002. The motion carried by the following vote:

Yes: 6 - S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

Absent: 2 - Schipske and Gabelich

Enactment No: ORD-09-0002

[see media](#)

25. [09-0192](#)

Recommendation to authorize City Manager to enter into an International Swap and Derivatives Association (ISDA) Master Agreement that provides natural gas price protection with terms that meet or exceed the following conditions: 1) a term of no more than three years; 2) pricing terms indexed at the Southern California border; and 3) a market price ceiling of not greater than \$10.50 per MMBtu and/or a fixed price of no greater than \$8.20 per MMBtu. (Citywide)

A motion was made by Councilmember DeLong, seconded by Vice Mayor Lerch, to approve recommendation. The motion carried by the following vote:

Yes: 6 - S. Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

Absent: 2 - Schipske and Gabelich

26. Affidavit of Service for the Special Meeting held Tuesday, February 17, 2009.

ANNOUNCEMENTS (6:33 PM)

Councilmember S. Lowenthal made community announcements.

Councilman Andrews made community announcements.

Councilmember O'Donnell made community announcements; and requested that the meeting be adjourned in memory of Dick and Erma Cocke.

ADJOURNMENT (6:38 PM)

At 6:38 PM, Mayor Foster adjourned the meeting in memory of Dick and Erma Cocke.

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